

### REMARKS-General

The newly drafted independent claim 92 and 107 incorporate all structural limitations of the previously presented claims 54 and 83 and include further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 92-114 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

With regard to the rejection of record based on prior art, Applicant will advance arguments to illustrate the manner in which the invention defined by the newly introduced claims is patentably distinguishable from the prior art of record. Reconsideration of the present application is requested.

#### Response to Rejection of Claims 54-72, 76, 79-86 and 88 under 35USC103

The Examiner rejected claims 54-72, 76, 79-86 and 88 under 35USC103(a) as being unpatentable over Goldenberg (US 2002/0065682) in view of Evers et al. (US 5,558,638). Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Goldenberg which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Evers et al. at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

The applicant respectfully submits that the differences between the instant invention and Goldenberg are not obvious in view of Evers et al. under 35USC103(a), due to the reasons explained below.

Regarding the newly drafted independent claim 92, Goldenberg fails to anticipate a method of providing distance-treatment for registered users through Internet, comprising the step of establishing an information connection system comprising a computer, a **visual signal producer and an audio signal producer**, wherein the information connection system is arranged to be capable of communicating with a service provider through the Internet. Goldenberg merely discloses a multiple level service system comprising a processing device responsive to inquiries received over a communications medium, wherein the processing device identifies a level of service and provides a user progressively greater degrees of interaction at respective levels of service.

In Paragraph 0059, Goldenberg discloses that:

“The treatment device 806 and the monitoring device 808 are adapted to be connected to the patient... Further, treatments, such as **performing a blood test, taking an image of the patient, delivering a drug into the patient, etc., may be administered to the patient by the treatment device 806**. The treatment device 806 **may be internal or external to the patient's body...**”

The applicant respectfully submits that the instant invention involves only the visual producer and audio producer as providing treatment to the patients. Thus, Goldenberg does not anticipate this particular step of the instant invention.

Moreover, Goldenberg fails to anticipate the step of requiring the registered user to login the service provider through the Internet, wherein each of the registered users is able to present a diagnosis record and a health information profile for the information connection system. The different between Goldenberg and the instant

invention is that the diagnosis record and health information profile of the particular user of the instant invention are obtained elsewhere. At Paragraph 0067 of Goldenberg, it is disclosed that:

“After registering at this level, the patient informs the service of his particular problem, and asks for a urological specialist who is an expert in the management of recurrent superficial urothelial carcinoma, and who is familiar with medical practices in the New York City area. The service provides two names of urologists participating in this cyberspace service who are experienced in the treatment of bladder cancer, and who practice in the New York area. Dr. Y of Mount Sinai Medical Center is chosen by the patient, and he registers his particular question with the doctor through the service, using the e-mail contact service provided at Level 3. **Dr. Y of Mount Sinai responds directly to the patient on the special web site link arranged for such consultations**, and gives patient Charles a series of questions regarding his past diagnosis and treatment...”

In other words, Goldenberg requires specific doctors to participant in the cyberspace service, while in the instant invention, no such requirement is necessary.

Furthermore, Goldenberg fails to anticipate the step of communicating a treatment request to the information connection system on the basis of the diagnosis record of the registered users through the Internet, wherein after the verification of the registered user, the service provider recognizes the registered user and admits the registered user to make the treatment request to the service provider at the information connection system through the Internet, wherein in responsive to the treatment request of the registered user, **the service provider sends the respective registered user a treatment page which may include a list of the health problems and diseases that the registered user suffers, treatment opinions from doctors, recommendation of beneficial foods and activities for each of the listed health problems and diseases of the registered user**, recommended biological treatments with respect to the listed health problems and diseases that the registered user suffers respectively, and information of suggested treatment instrument for executing each recommended biological treatment.

The instant invention does not require a specific doctor for treating a specific user. Rather, the diagnosis record and the health information profile are analyzed by the service provider through the information connection system, wherein treatment options are recommended. Thus, instead of relying on opinions of a single medical professional,

the user may be able to gain recommended treatment options compiled by the information connection system, wherein such treatment options do not necessarily come from a single source. Moreover, unlike Goldenberg, there isn't any different level of service for the instant invention.

Goldenberg also fails to anticipate the step of: based on the treatment request and the health information profile for the registered user, formulating a treatment information data package from a treatment information database provided by the service provider. As mentioned earlier, this does not necessarily come from a signal medical source. Rather, the treatment options are compiled by the information connection system.

Goldenberg fails to anticipate the step of commanding the computer to perform treatment by digital treatment signals based on the treatment information data package, wherein the treatment is initiated and operated by the information connection system on the registered user, wherein the treatment is selected from a group consisting of an audio and visual treatment to the registered user via the audio device and the monitor respectively, and is based on the treatment data package, wherein the digital treatment signals are decoded into analog treatment signals which are sent to the computer to program and control the treatment of the registered user when the treatment instrument is an analog type treatment instrument.

In Goldenberg, the treatment is not confined to audio and visual treatment. In Paragraph 0056, it was disclosed that:

"If at step 706 it is determined that the patient is equipped for online treatment, then at step 708 information is transmitted in a format that can be recognized by the treatment equipment to apply the treatment to the patient. For example, the processor could command the treatment device to inject the patient with drugs or other chemicals. At step 709 the patient's reactions are monitored. If at step 710 the processor determines that the patient's reactions are normal, then at step 711 the parameters are recorded and other level 4 functions can then be performed. On the other hand, if at step 710 the processor determines that the patient's reactions are out of the normal range, then a message is sent at step 712 to the patient and to the health care professional and monitoring continues at step 709..."

Thus, it is very clear that mode of treatments disclosed in the instant invention is different from that disclosed in Goldenberg. Since Goldenberg involves specific

doctors for treating specific patients, administering of drug may be deemed appropriate. However, in the instant invention, the treatment modes are merely audio and visual modes of treatment, such as playing of music.

As a result, Goldenberg also fails to anticipate the step of sending a responsive health information of the registered user to the service provider for controlling and adjusting properties of the digital treatment signals of the treatment information data package. Since, the digital treatment signals as disclosed in the instant invention is different (because of modes of treatment) from Goldenberg, it is hard to see how Goldenberg anticipates this particular step of the instant invention.

The examiner relies on Evers et al. as an anticipation of this feature. In response, the applicant respectfully submits that Evers et al. merely discloses a system for monitoring the health and medical requirements of a plurality of patients located at remote sites and providing these requirements to a care center. A base unit stores the data and transfers the data to a care center. The care center may likewise communicate with the base unit and may reconfigure the base unit based on the data analyzed. The data retrieved from the base units is accessible on a local area network and care providers of the patients may monitor their patients by accessing the local area network (Evers et al., Abstract). In other words, **Evers et al. does not even anticipate a distance treatment network wherein the treatment options include audio and visual treatments. It merely disclose a health care system.** Since both Goldenberg and Evers et al. are different from the instant invention, and the differences are more than what is suggested by the examiner (i.e. the decoding step), the applicant respectfully submits that the instant invention should pass the 35USC103(a) muster with ease, since Goldenberg, Evers et al. and the instant invention also deal with different problems and have different patentable scopes.

The Court of Appeal of the Federal Circuit has stated, “[V]irtually all [inventions] are combinations of old elements.” *Environmental Designs, Ltd. V. Union Oil Co.*, 713 F.2d 693, 698, 218 USPQ 865, 870 (Fed. Cir. 1983); see also *Richdel, Inc. v. Sunspool Corp.*, 714 F.2d 1573, 1579-80, 219 USPQ 8, 12 (Fed. Cir. 1983). Thus, “[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” *In re Fine*, 5 USPQ 2d 1600 (Fed. Cir. 1988).

In other words, the Office Action cannot, based on hindsight gained from the applicant's invention, argue that it is obvious to combine Goldenberg with Evers et al. In the instant invention, both Goldenberg and Evers et al. involve an invention which is different from the instant invention. There is no teaching or incentive supporting the combination from the cited references. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984); *In re Geiger*, 815 F.2d at 688, 2 USPQ2d at 1278 (Fed. Cir. 1987).

### **The Cited but Non-Applied References**

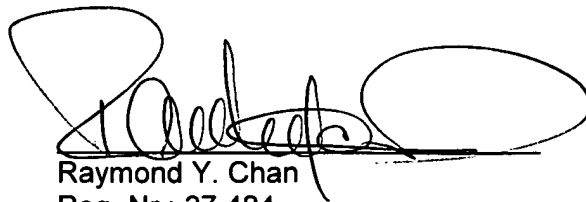
The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

A fee in an amount of US\$405.00 is submitted herewith to pay the fee for Request for Continued Examination (RCE). This amount is believed to be correct. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 502111.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejection are requested. Allowance of claims 95-114 at an early date is solicited.

Should the examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

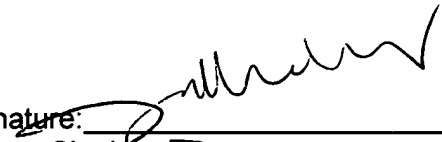


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**CERTIFICATE OF MAILING**

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 6/16/09

Signature:   
Person Signing: JUDITH WONG.